



ZONING ADMINISTRATOR NOTICE OF DECISION

Date: May 29, 2014
Applicant: Noe Lopez for Main Street Bar & Grill
Case No.: PCC-14-009 (PCC-86-14 Modification)
Address: 4360 Main Street, Suite 214
Project Planner: Harold Phelps, AICP

Notice is hereby given that on May 29, 2014 the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-14-009, filed by Noe Lopez for Main Street Bar & Grill ("Applicant"). The Applicant requests to modify the existing CUP (PCC-86-14) ("Project"). The Project is located at 4360 Main Street, Suite 214 (APN 624-060-60-00) ("Project Site") in the Fiesta Plaza Shopping Center owned by Gueval Investments, LP ("Property Owner"). The Project Site is zoned Neighborhood Commercial with a Precise Plan (CNP). The General Plan designates the project site Commercial Retail (CR) on the General Plan Land Use Diagram.

The applicant proposes minor alterations to the existing restaurant suite to allow for some video games and a pool table, in compliance with conditions provided by the Police Department. The restaurant will retain the same hours of operations (7 am – 11 pm) as the previous restaurants located in this suite, in compliance with the CNP zone requirements. In addition, the restaurant will only serve beer and wine in conjunction with food sales per the existing ABC license issued for this restaurant suite.

Planning Staff has reviewed the Project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and it has been determined that the Project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (Minor Alterations to Existing Facilities) CEQA Guidelines. No further environmental review is necessary.

The Zoning Administrator, under the provisions of Sections 19.14.030.A and 19.89 of the Chula Vista Municipal Code, has been able to make the findings for approval of this conditional use permit as required by CVMC Section 19.14.080:

- 1. That the proposed use at this location is necessary or desirable and will contribute to the general well-being of the neighborhood or the community.**

The proposal is a re-opening of a restaurant previously CUP approved (PCC-86-14) at this location that contributed to the general well-being of the neighborhood or the community. Proposed recreational game and activities associated with the restaurant will be monitored as provided in the Police Department condition of approval. There will be

no late night hours (after 11 pm) of operation or live entertainment permitted under this conditional use permit.

2. **That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The re-opening of the existing restaurant will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity. As noted above, recreational game and activities will be monitored by the Police Department, and there will be no late night hours (after 11 pm) or live entertainment.

3. **That the proposed use will comply with the regulations and conditions specified in the code for such use.**

The re-opening of the existing restaurant requires the Applicant and Property Owner to fulfill conditions and to comply with all applicable regulations and standards specified in the conditional use permit and the CVMC. The use complies with all regulations and conditions specified in the CVMC or established in the existing CUP (PCC-86-14) or modified CUP (PCC-14-009).

4. **That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.**

The granting of the modified CUP (PCC-14-009) to the existing CUP (PCC-86-14) will maintain that the restaurant's activities are in compliance with the City's General Plan and other adopted plans and regulations. For example, the 7 am to 11 pm hours of operation as required in the previous CUP will be maintained to remain in compliance with the CNP zone.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-14-009, as described above subject to the following conditions of approval:

- I. **Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:**

1. The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department.

Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner/Representative


Date

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

2. The Applicant shall construct and maintain the Project in accordance with the approved plans for PCC-14-009, date stamped approved on May 29, 2014, which include a site plan and a restaurant floor plan on file in the Planning Division, the conditions contained herein, and Title 19.
3. Obtain a separate sign permit and a building permit for the proposed signage and other applicable accessory structures.
4. Sales, service and consumption of alcoholic beverages shall be permitted only between the approved hours of operation of 7:00 a.m. to 11:00 p.m.
5. There shall be no dancing or live entertainment on the premises.
6. The use of any amplifying system or device inside the premises shall not be audible outside the premises. There will be no amplified music outside the premises.
7. The door(s) shall be kept closed at all times during the operation of the premises except in cases of emergency. Said door(s) not to consist solely of a screen or ventilated security door.
8. The premises shall be maintained as a bona fide food restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurants.
9. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.

- 10 Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the Chula Vista Municipal Code (CVMC), and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.
11. The Applicant shall execute this Conditional Use Permit as the authorized use only. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.
12. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated above. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
13. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit
- 14 If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this 29th day of May 2014.



Mary Ladierna
Zoning Administrator